

#### ELECTION AND REMARKS

An election requirement was made to pending claims 1-18. The claims were placed into the following four groups: Group I (claims 1-8, 14 and 15) drawn to a pharmaceutical composition of a bamboo extract; Group II (claims 9-15) drawn to tricin or p-coumaric acid from bamboo; Group III (claims 16-18) drawn to a health care food containing the bamboo extract; and Group IV (claims 16-18) drawn to a health care food containing tricin or p-coumaric acid.

The Examiner further identified the following different and distinct species the many different types of solvents, bamboo and additives. The Examiner has indicated that upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species, which depend from or otherwise require all the limitations of an allowable generic claim. Claims 1-3 and 9-11 have been determined to be generic.

In response to this restriction/election requirement Applicant hereby elects the claims of Group I (claims 1-8, 14 and 15). As a result of the election of Group I (claims 1-8, 14-15), claims 9-13 and 16-18 have been canceled.

Regarding the species Applicant elects the lower alcohol (claim 4); ethyl acetate (claim 5); *Phyllostachys* genus (claim 6) and *Phyllostachys nigra* MUNRO var. *henonis* STAPF (claim 8). More specifically, with respect to solvent if the Examiner determines that it is necessary for Applicant to make an election between a polar or non-polar solvent, Applicant elects the lower alcohol solvent of claim 4.

The Examiner has identified claims 1-3 as being generic.

Claim 4 is readable on the following elected species: lower alcohol solvent; *Phyllostachys* genus and *Phyllostachys nigra* MUNRO var. *henonis* STAPF species.

Claim 5 is readable on the following elected species: ethyl acetate (non-polar solvent); *Phyllostachys* genus and *Phyllostachys nigra* MUNRO var. *henonis* STAPF species.

Claim 7 does not read on an elected species as the plants are not in the *Phyllostachys* genus.

Claims 6, 8, 14 and 15 read on each of the elected species: lower alcohol solvent, ethyl acetate (non-polar solvent), *Phyllostachys* genus and *Phyllostachys nigra* MUNRO var. *henonis* STAPF species.

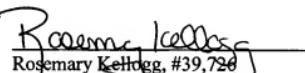
Appl. No. 10/522,832  
Amdt. dated February 7, 2007  
Reply to Office Action of January 10, 2007

If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date February 1, 2007

  
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